1893

SUPREME COURT OF THE UNITED STATES.

No. 216.

THE UNITED STATES, APP'TS,

vs.

JULIAN URSUA AND PEDRO ROMO.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

"San Juan."

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1863

1 *Transcript of the proceedings in case No. 545.*

JULIAN URSUA, claimant,
vs.
THE UNITED STATES, defendant.
} For the place named "San Juan."

3 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered that on this second day of February, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Julian Ursua for the place named San Juan was presented, and ordered to be filed and docketed with No. 545, and is as follows, to wit:

(*Vide* page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *April* 12, 1853.

In case No. 545, Julian Ursua *et al.*, for the place named "San Juan," the deposition of Antonio Maria Pico, a witness in behalf of the claimants, taken before Commissioner Harry J. Thornton, with document marked H. J. T. No 1, annexed thereto, was filed.

(*Vide* page 4 of this transcript.)

SAN FRANCISCO, *December* 21, 1853.

In the same case, the depositions of Nicolas Echarrin and Miguel Castro, a witness in behalf of the claimants, taken before Com-
4 missioner R. Aug. Thompson, were filed.

(*Vide* page 5 and 6 of this transcript.)

SAN FRANCISCO, *February* 2*d*, 1854.

In the same case the deposition of Ramon Auzar and Claudio Vasquez, witnesses in behalf of the claimants, taken before Commissioner R. Aug. Thompson, were filed.

(*Vide* page 8 and 9 of this transcript.)

SAN FRANCISCO, *April* 25, 1854.

Case No. 545 was called on motion of the counsel for the claimants, with the consent of the U. S. law agent; was submitted on briefs, and taken under advisement by the board.

SAN FRANCISCO, *May* 2, 1854.

In the same case Commissioner Thompson Campbell delivered the opinion of the board confirming the claim.

(*Vide* page 37 of this transcript.)

SAN FRANCISCO, *Aug't* 15, 1854.

In the same case, on motion of the U. S. law agent, the following order was made, to wit:

(*Vide* page 40 of this transcript.)

5 *Petition.*

To the honorable board of commissioners for ascertaining and settling private land claims in California:

The petition of Julian Ursua and Pedro Romo respectfully shows that they claim in fee a certain tract of land, situated in the county of San Joaquim, known by the name of La Panocha de San Juan y Los Carrisallitos, bounded on the north by Los Banos del Padre Arroyo, on the west by S'ta Ana and San Joaquin, on the east by the Orilla del Valle, (edge of the valley,) and on the south by El Real de los Aquilas, and containing five square leagues, more or less.

They further show that the claim said land in virtue of a grant made by Manuel Micheltorena, governor of the department of the Californias, in virtue of authority in him vested by law, to the said Julian Ursua, and bearing date 16th February, 1844, which said grant has been approved by the territorial assembly.

They further represent that in April, 1844, judicial possession of the said tract of land was given to the said Julian Ursua by competent authority, and the boundaries thereof accurately ascertained and marked out.

And the said Pedro Romo represents that the said Julian Ursua has conveyed to him three undivided leagues of said tract.

And your petitioners further represent that since the date of said grant they have been and are now in peaceable possession of
6 the lands granted, and that they know of no conflicting claim thereto.

They herewith present the original grant and judicial possession, marked "A," and its translation, marked B, and they rely on the same, and on such other documentary and verbal evidence as they may be advised may be necessary.

Wherefore they pray the honorable board to take the claim into onsideration and decree the validity thereof. And, as in duty bound, &c., &c.

By their attorney,

J. LANCASTER BRENT.

Filed in office February 2nd, 1853.

GEO. FISHER,
Secretary.

7 *Deposition of A. M. Pico.*

SAN FRANCISCO, *April 12th*, 1853.

On this day, before Commissioner Harry J. Thornton, came Antonio Maria Pico, a witness in behalf of Julian Ursua *et al.*, claimants in petition No. 545, and was duly sworn, his evidence being interpreted by the secretary.

Questions by the claimants' counsel.

Quest. 1st. What is your name, age, and place of residence?

Answer. My name is Antonio Maria Pico; my residence is San José; my age is forty-three years.

Quest. 2d. Look on the document marked Exhibit No. 1, in case No. 545, and say whether you recognize the signatures thereon; and if so, name the signatures thus recognized.

Answer. I have examined the document, and I recognize the signatures thereon of Manuel Micheltorena, Manuel Jimeno, José Antonio Rodriguez, José Canuto Boronda, Ysidro Mota, and Francisco Arias, Antonio Maria Pico.

3 question. Was J. A. Rodriguez alcalde in Monterey in 1844?

Answer. He was alcalde in 1844, either in Monterey or in San José; I know not.

4th quest. In whose handwriting is the proceedings and the judicial possession in the said documents?

8 Answer. In the handwriting of José Antonio Rodriguez, I believe.

Question. Is the said Rodriguez still living?

Answer. No; he was drowned in 1845.

Questions by the associate law agent.

Question. Do you know the land in question?

Answer. I do not.

ANTONIO MA. PICO.

U. S. law agent present.

Sworn to and subscribed before me this 12th April, 1853.

HARRY J. THORNTON,
Commissioner.

Filed in office April 12th, 1853.

GEO. FISHER, *Secretary.*

9 *Deposition of Miguel Castro.*

Case No. 545.

OFFICE OF THE BOARD OF U. S. LAND COMMISSIONERS,
San Francisco, December 21st, 1853.

This day, before Commissioner R. Aug. Thompson, came Miguel Castro, a witness on behalf of claimant, Julian Ursua *et al.*, and being sworn, his evidence, being given in Spanish, was interpreted by the secretary, as follows:

Present: Claimants' att'y and U. S. ass't law agent.

Witness states his name is Miguel Castro; his age, thirty-seven years; and residence, San Juan Bautista, Monterey county.

Questions by claimants' attorney.

State if you know the place called Panocha de San Juan y los Carrisalitos; and if so, where is it situated, what are its boundaries, and all you know in relation to its occupation, cultivation, and improvement?

Answer. I know said rancho. It is situated about twelve leagues from San Juan, in a northeasterly direction. The northern boundary is a creek, (arroyo,) which has been long known by the name of Los Benitos del Padre Arroyo; on the west by the ranchos of San Joaquin and Santa Ana, belonging to Cruz Cervantes and Manuel
10 Larios and Juan Auzar; and on the south by the Panoche Grande, and the rancho of Real de los Aguilas, belonging to Juan Auzar; and on the east by the river San Joaquin. The Panoche Grande is a noted place. It is an elevated plain or table-land among the hills of the sierra, through which a stream runs in the wet season, but it is partially dry in the dry seasons. Said Panoche was first settled by Julian Ursua in the year 1844; who, in that year, built a house upon it, in which he lived with his family. He had on the place sixteen Indian laborers, who worked on the rancho; he had also stocks of cattle and horses. Julian Ursua continued to live there until witness went to the gold mines with cattle, he thinks, in the year 1846. He does not know whether he lived there untill the gold was discovered or not.

MIGUEL CASTRO.

Sworn and subscribed before me December 21st, 1853.

R. AUG. THOMPSON,
Commissioner.

Filed in office December 21st, 1853.

GEO. FISHER, *Secretary.*

11 *Deposition of Nicolas Echarania.*

Case No. 545.

OFFICE OF THE BOARD OF U. S. LAND COMMISSIONERS,
San Francisco, Dec. 21st, 1853.

On this day, before Commissioner R. Aug. Thompson, came Nicolas Echarnia, a witness in behalf of claimants, Julian Ursua *et al.*, petition number 545, and being duly sworn, his evidence, being in Spanish, was interpreted by the secretary, as follows:

Present: Claimants' att'y and U. S. assis't law agent.

Witness states that his name is Nicolas Echarnia; his age, sixty years; and residence, San Juan Bautista, Monterey county.

Question by claimants' attorney.

Do you know the rancho called Panocha de San Juan y los Carrisalitos? If so, state where it is situated, what are its boundaries, and

all you know in relation to its boundaries, occupation, improvement, and cultivation.

Answer. I know said rancho. It is situated twelve or fifteen leagues from San Juan, in a northwesterly direction. I know the boundaries, though I was never present at any survey or measurement. They are Los Banos de Padre Arroyo, the San Joaquin river, the Sierra, and the rancho of Sta. Ana, the rancho of Real de
12 los Aguilos. In 1844 Julian Ursua petitioned for the said rancho, and got the judicial possession about three months' afterwards, when he built a house and placed cattle there; also some Indian laborers. He had a mayordomo who lived on the place. He lived with his family in San Juan, but was back and forth, to and from, said rancho every week or two. I passed there in 1844; the house was then inhabited by his Indian laborers. He had corrals on the place; and in 1846, when I again passed there, he had a portion of the land in cultivation.

his
NICOLAS + ECHARNIA.
mark

Sworn and subscribed before me December 21, 1853.

R. AUG. THOMPSON,
Commissioner.

Filed in office December 21st, 1853.

GEO. FISHER, *Sec'y.*

13 *Deposition of Ramon Auzar.*

Case No. 545.

UNITED STATES LAND COMMISSIONER,
San Francisco, Feb'y 2, 1854.

On this day, before Commissioner R. Aug. Thompson, came Ramon Auzar, a witness in behalf of the claimants, Julian Ursua *et al.*, case No. 545, who, after being duly sworn, deposed as follows, his evidence being interpreted by the secretary:

Present: Claimants' attorney and U. S. associate law agent.

Witness states his name is Ramon Auzar; his age, thirty-three; and residence, San Juan Bautista, California.

Question by claimants' attorney.

Do you know the rancho called Panoche de San Juan, claimed in this case? If so, state, if you know, when a house was first built on it, how long it was occupied, and by whom.

Answer. I know said rancho; it was granted in 1844 to Julian Ursua. In the same year he built a house on it, and went there to live with his family. He continued to live there about a year with his family; afterwards he removed his family for fear of the Indians. He continued to occupy it himself, and keep his stock there until the discovery of gold in 1848, at which time he went to the mines with cattle, leaving a man in charge of the rancho and his remaining stock.

14 RAMON AUZAR.

Sworn and subscribed before me February 3, 1854.

R. AUG. THOMPSON,
Commissioner.

Filed in office February 3rd, 1854.

GEO. FISHER, *Secretary.*

15 *Deposition of Claudio Vasquez.*

Case No. 545.

UNITED STATES LAND COMMISSION,
San Francisco, February 3, 1854.

On this day, before Commissioner R. Aug. Thompson, came Claudio Vasquez, a witness in behalf of claimant, Julian Ursua *et al.*, case No. 545, who, after being duly sworn, deposed as follows, his evidence being interpreted by the secretary.

Present: Claimants' attorney, and U. S. associate law agent.

Witness states his name as Claudio Vasquez; his age, twenty-eight years; and residence, San José Bautista, in the county of Monterey, California.

Question by claimants' attorney.

Do you know the boundaries of the rancho called Panoche de San Juan, claimed in this case? If so, describe them.

Answer. I know the boundaries of said rancho. It is bounded on the north by the Banos del Padre Arroyo, which is a stream or creek in which the padre used to bathe; on the east by a range of two hills running to valley of San Joaquin; on the south from the Panoche Grande to a pile of stones, which was erected when the judicial possession was given. I was present when the judicial possession
16 was given. On the west it is bounded by the foot of the mountain or sierra of San Joaquin and Santa Ana. It extends about five leagues from north to south, and one league from east to west. I have been over the land on horseback, and judge that to be its extent.

Question by same. Who has lived on and occupied said rancho since you knew it?

Answer. It was granted to Julian Ursua in 1844, and in 1845 he was living on it with his family. He had on it at that time a house in which he lived, a corral, upwards of two hundred head of cattle, some horses, and cultivated a portion of the land. He lived on the place some two or three years, when he left it in consequence of the hostility of the Indians. I do not know whether he left it before or after the American occupation of the country. He went to live on the land as soon as he got the judicial possession.

his
CLAUDIO + VASQUEZ.
mark

Sworn and subscribed before me February 3d, 1854.

R. AUG. THOMPSON,
Commissioner.

Filed in office February 3d, 1854.

GEO. FISHER, *Secretary.*

17 Espediente promovido pr. Dn. Julian Ursua, en solicitud del parage nombrada. Panocha de San Juan año de 1844. No. 348.

18 Sella cuarto, dos reales. Habilitada provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

[SEAL.] MICHELTORENA.
PABLO DE LA GUERRA.

EXMO. SOR. GOBERNADOR:

Julian Ursua natibo de Colima y residente en esti Territorio ase siete años casado y con familia ante V. E. con el respeto y sumicion devida me presento y digo que tenindo un numero de quiencintos cabesas de ganado mayor y no teniendo a donde radicarme con mis bienes y familia me bien la necesidad de denuncias el rancho nombrado los Pagvinco cullo terreno pentenece á Dn. Angel Ma. Castro, y no habiendo conseguido el referido terreno me beo en la necesidad de solicitar un terreno valdio nombrado por una parte la Panocha de San Juan ql. es por el norte, y por el sur con la Panocha del Carisalito. Este terreno tiene la estencion de cinco sitios de ganado mayor colinda por el norte con los baños de el pr. arroyo; por el poniente con Santa Ana y Sn. Joaquin; por el oriente con la orilla de el llano; por el sur con el real de las Aquilas y la Panocha Grande de el ql. acompaña el deseño. P. S. he ocurrido a V. E. solicitando el mencionado terreno dignandose

19 V. E. atender á mi solicitud y decretar lo ql. á bien tenga y halle en justicia. Jurando no ser de malicia y lo necessario.

JULIAN URSUA.

Monterey, Febr'o 5 de 1844. Infe. el Srio del despacho, tomando previamenta, los ql. al efecto crea necesario.

MICHELTA.

Como dispone ul Exmo. Sor Gober'dr pare al alcalde 1o de San Juan pa. que informe sobre el contenido de la presedte instancia.

Monterey, 5 de Feb'ro de 1844.

MANUEL JIMENO.

En cumplimiento de la superior ordenda V. E. 5 del corriente. Informe ql. el terreno ql- se solicita en este instancia se halla baldio y no hay inconveniente pa su concesion.

San Juan, 6 de Feb'ro de 1844.

FR'CO DIAS.

EXMO. SEÑOR GOBERNADOR:

Por el informe que do el juez de San Juan como el no haber sido nunca solicitado el terreno que se pretende cree no hay inconveniente alguno para ql. V. E. se digre concederle á Dn. Julian Ursua, bajo la condicion de sugetarse á los linderos demarcados á sus colindantes mas la determinacion de V. E. sera lo mas conveniente.

Monterey, 7 de Feb'ro de 1844.

MANUEL JIMENO.

MONTEREY, 7 *de Feb'ro de* 1844.

Inf. el muy Rev'do min'o de la Mision de San Juan.

MICHELTORENA.

SAN JUAN B'TA, 9 *de Febrero de* 1844.

Visto el decreto anterior digo ql. el parage ql. se pretende siempre a estado validio por lo ql. no ha cosa ql. impida el que lo pueda poser el ql. solicita.

JOSÈ ANTO. AUZAR.

MONTEREY, *Feb'o* 10 *de* 1844.

Espidase el titulo marcando la estencion proporcionado y regular y con las condiciones de ley.

MICHELT'A.

MONTEREY, *Febrero* 17 *de* 1844

Vista la peticion con que do principio este espediente los informes que preseden con todo lo demas que se tubo presente y ver convino del terreno nombrado Panocha de San Juan y los Carisalitos. Colind'te pr. elnorte con los baños que llaman del padre arroyo por el poniente con Santa Ana y San Joaquio por el oeste con las orillas del valle y por el sur con el Real de las Aguilas y la Panocha Grande en la estencion de cinco sitios de ganado mayor. Librese el correspondiente despacho tomese razon en el libro respectivo y dirizase a la E. Junta Departamental pa. su aprovacion. El E. S. Gobernador asi lo mando decreto y firmo doy fee.

(Here follows map, marked original, page 21.)

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such now having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the six preceeding and hereunto annexed pages of tracing paper, numbered from one to six, inclusive, exhibit a true and correct copy of a certain document now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially and caused my seal of office to be affixed, at the city of San [SEAL.] Francisco, this thirtieth day of December, 1853.

JOHN C. HAYES,
U. S. Surveyor General for California.

Filed in office Feb'y 14th, 1854.

GEO. FISHER, *Sec'y.*

Translation of espediente.

Espediente presented by Dn. Julian Ursua, soliciting the place called Panocha de San Juan. Year 1844. No. 348.
Fourth seal, two bits.

Furnished provisionally by the maritime custom-house of the port of Monterey, in the department of the Californias for the years 1844 and 1845.

[SEAL.] MICWELTORENA
PABLO DE LA GUERRA.

To his excellency the governor:

Julian Ursua, of Colima, and resident of this Territory since seven years, married and with a family, present myself before your excellency with respect and proper submission, and say that having five hundred head of cattle, and no place to establish myself with my family and property, I saw myself under the necessity of denouncing the rancho called Los Paysomes, which land belonged to Don Angle Ma. Castro, and not having obtained said land, I see myself under the necessity of soliciting a vacant tract named on one part La Panocha de San Juan, which is on the north, and on the south La Panocha del Carisalito. This land has the extent of five leagues of the larger size, and is bounded on the north by Los Baños del Padre Arroyo; on the west by Sta Ana and San Joaquin; on the east by the edge of the plain; on the south by El Real de los Aguilas and La Panocho Grande, and a map of it is herewith presented. Wherefore I have applied to your excellency soliciting the said land, praying your excellency to grant my request and decree what may be thought proper and may be just, swearing that this is not done maliciously, and what is
27 necessary.

JULIAN URSUA.

On the margin of the foregoing.

MONTEREY, *February*, 1844.

Let the secretary of the office report, taking such informations as he may think necessary.

MICHELTORENO

As his excellency the governor orders, let this be referred to the 1st alcalde of San Juan, that he may report upon the contents of this application.

Monterey, 5th Feb'y, 1844.

MAN'L JIMENO.

In compliance with your excellency's superior order of the 5th instant, I report that the land which is solicited in this application is vacant, and that there is no objection to its being granted.

San Juan, February 6th, 1844.

Done by the second judge, in the absence of the first.

FRANCISCO DIAS.

To his excellency the governor:

From the report which the judge of San Juan gives, as also from the land which is asked for, having never been solicited, I think there is no objection whatever to your excellencies granting it to Dn. Julian

Ursua, upon the condition that he shall be subject to the boundaries marked out for his neighbours; but the determination of your excellency will be best.

Monterey, February 7th, 1844.

MAN'L JIMENO.

28 MONTEREY, *Feb'y 7th*, 1844.

Let the reverend minister of the mission of San Juan report.

MICHELTORENO.

SAN JUAN BAUTISTA, *February 9th*, 1844.

In view of the foregoing decree, I say that the place which is asked for has always been vacant. Wherefore there is nothing to prevent its being possessed by him who solicits it.

FRIAR JOSE A. AUCAR.

MONTEREY, *February* 10, 1844.

Let the title issue, making the extent, in proportion and regular, and with the conditions of the law.

MICHELTORENO.

MONTEREY, *Feb'y 17th*, 1844.

In view of the petition with which this espediente begins, the foregoing reports, with all else known and proper to be considered, I declare Dn. Julian Ursua owner of the land called Panocha de San Juan y Los Carisalitos; bounded on the north by Los Baños, (the baths,) which we called Padre Arroyos; on the west by Santa Ana and San Joaquin; on the east by the edge of the valley; and on the south by El Real de los Aguilas y la Panocha Grande; having an extent five leagues of the larger size.

Let the proper title be issued; let it be registered in the proper book, and let it be referred to the excellent departmental junta for its approval. His excellency the governor thus ordered, and decreed and signed, as I certify.

29 (Here follows the map.)

Filed in office February 14th, 1854.

GEO. FISHER,
Secretary.

60 Sello primero ocho pesos. Habilitado provisionalmente por la aduana maritina del puerto de Monterey en el departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

[SEAL] MICHELTORENA.
PABLO DE LA GUERRA.

El ciudadano Manuel Micheltorena g'ral de brigada del ejercito Mejicana, ayud'ts g'ral del mismo, gobernador, comand'te g'ral é ynspector del departamento de Californias: Por cuanto Dn. Julian Ursua, Mejicana por nacim'to á pretendido

[SEAL.]

para su beneficio personal y el de su familia el terreno conocido con el nombre de la Panocha de San Juan y los Carisalitos; colindante por el norte con los baños que llaman del Padre Arroyo; por el poniente con S'ta Ana y Sn. Joaquin; por el oriente con la orilla del valle y por el sur con el Real de las Aguilas y la Panocha Grande, practicados previam'te las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son conferidas à nombre de la nacion Mejicana he venido en concederle el terreno mencionado, declarandole la propiedad de el por lsa presentas letras, sugetandose á la aprobacion de la exma. asamblea departamental, y á las condiciones siguientes. 1a. No podra venderlo enagenarlo, ni hipotecarlo; imponer senso, vinculo, fianza ni otro gravamen. 2o. Podra cercarlo sin perjudicar las travesias, caminos y servidumbres. Lo disfrutará libre y esclusivamente,
distinandolo al uso ó cultivo que mas le acomode; pero dentro
61 de un año fabricara casa y estara habitada. 3o. Solicitara del
juez respectivo ql. le de posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondran mas de las majoneras algunos arboles frutales ó silvertres de alguna utilidad. 4a. El terreno de que se hace donacion es de cinco sitios de ganado mayor dentro de los linderos demarcados en el deseño respectivo.

El juez que diere la posecion lo hará medir conforme á ordenanza quedando el sobrante a benificio de la nacion para los usos convinientes. 5o. Si contraviniere á estas condiciones perdera su derecho al terreno y sera denunciable por otro. En consecuencia mando que teniendose pr. firme y valedero este titulo se tome razon de el en el libro respectivo y se entregare al interesado para su resguardo y demas fines. Dado en Monterey à diez y siete de Febrero de mil ochocientos cuarenta y cuatro

MAN'L MICHELTORENO.

MAN'L JIMENO, *S'rio.*

Queda tomada razon de esta despacho en el libro respectivo á fojas 6.
JIMENO.

S. JUAN BAUTISTA, *April* 5 *de* 1844.

Visto el presente, quarderé y cumplire lo dispuesto pr. V. E y al efecto proceedase á darle la pocecion ql. solicito en lo verbal el C. Julian Ursua á quien le hará saber ql. el dia de mañana á las diez del dia devemos salir al acto mencionado mediante caresen este pueblo de
un agrimensor o practico en la facultad asi mismo no haber en la
62 capital sus otro lugar del estado; se le dara al interesado la ql.
ha solicitado quedando sujeto á pagar en moneda el valer del sobrante de terreno que se le ha concedido y en caso contrario indegnisara al gobierno del estado o general del mas terreno valdio que disfrute previo el requisito de persona que conforme á ordenanza mida el terreno segun lo ordena el presente. Citense á las colindantes pa. su orden pa. el dia ó oras que crean necesarios se nombro pr. testigos para el acto de la posecion á los S. S. Dn. Canuto Bernardo Dent,

Antonio Macario y Ramon D. Auzar, quienes associados del infrascrito y los de mi asistencia asi como los demas interesados concurrenta á los actos de posecion, E. C. C Ant. José Rodriguez, alcalde 1o de esta municipalidad y juez de 1o insta. en town, actuando con testigos de asistencia pr. falta de escribano, asi lo decreto mando y firmo. Doy fee.

JOSÉ ANTO. RODRIGUEZ.

A.: Fran'co Arias.
A.: Isidro Mota.

Notificado D. Julian Ursua del anterior decreto digo que olle y ministrava todo lo ql. sea necesario pr. el vinge y firmen doy fe.

RODRIGUEZ.

En el mismo dia se espadio la orden selatoria à los colindantes, yo anoto.

En 9 del mismo mes y año: reunidos los S. S. Dn. Julian Ursua, testigos D. Canuto Bernardo, D. Antonio Auzar y Dn. Mariano Macario y los de mi asistencia, en el llano del terreno denunciado cullo lugar se mi digo pr. los indigenas Martin y Limar ql. en este
63 lugar se encuentran de tranuente se nombrá el Caveleto lo ql. tambien afirmaron los testigos y denunciar asi mismo doy fée, aber visto este lugar en el cual se encuentra ubicada una casa de madera y sacute compuesta de una sola piesa la cual se lucuentra habitada pr. el neofito José Cervantes y familiá culla finca digo el deumciante ser de su propiedad. En este acto yo el juez hise á este tomar piedras, arrancar llerbas y diere voces de aprender la posecion de este sitio y abiendolo verificado sin aber persona alguna ql. lo en los pesina le de conforme à derecho la real posecion de este sitio con lo ql. se concluyo esta diligencia pa. pasar el dia de oy à las dos de la tarde al punto ò lindero conocido por los baños del padre Arroyo ql. se encuentra al noste de este mismo lugar lo ql. firmamos doy fee.

JOSÉ ANTONIO RODRIGUEZ.

José Canuto Barnardo.
A.: Fran'co Arias.
Isidro Mota.

En el mismo dia, mes y año reunidos el infrascrito y los testigos en el parage del luidero conocido por los baños del padre Arroyo, se aguardo al colindante para el acte de posecion à ql. estava citada y no habiendo comparecido persona alguna hasta ahora que son las cuatro de la tarde, hise yo el infrascrito la señal de posecion à Dn. Julian Ursua ordenando le tomase piedras llamar y otras cosas en señal de posecion, lo que hiso, quedando este luidero pr. posecion que yo el Juez lo doy en feé de lo cual lo firme con los interesados y testigos, doy feé.

JOSÉ ANT'O RODRIGUEZ.

64 José Canuto Bonardo.
A.: Fran'co Arias.
Isidro Mota.

En diez de Abril del mismo año reunidos los senores Dn. Saturnino Cariaga y testigos asi como el deumciante en la mohonera que señala el lindero de Santa Aña presento el primero sus titulos que doy fé haber vistos y citando de conformidad hice al espresado deumciante tomase la posecion del mismo modo ql. las anteriores de todo lo que doy feé. Asi como de encontrarse este lindero al poniente del llano del Carisalito y firmaron para const'a.

JOSÉ ANT'O RODRIGUEZ.

As'a:
JOSÉ CANUTO BENARDA.
FRAN'CO ARIAS.
ISIDRO MOTA.

En el mismo dia reunidas los Señores Don Saturnino Caréaga, y los testigos en la orilla del valle al oriente del Carrisalito presentaron los titulos del lindero y siendo conformes hise la señal deposecion al denenciate quien la tome conforme à las auteriones. Todo lo que firmaron los interesados, doy fee.

JOSÉ ANTONEO RODRIGUEZ.

As'a:
JOSÉ CANUTO BONARDO.
FRAN'CO ARIAS.
ISIDIO MOTA.

En doce del espresado reunidos en los parages del Real de los Aguilas y Panocha Grande quere reconocen por linderos y se encuentran al sur del Carisallito por ser las tres de la tarde y no haberse presentado colindante alguno yoel juez hice al denunciante tomase la posecion conforme a las antereores y habiendole verificado le di, y doy la espresado posecion de este lindero con lo que se dio por concluida esta dilig'a. me firme con los asociados doy feé.

65 JOSÉ ANTONIO RODRIGUEZ.

As'a:
JOSE CANUTO BORNADO.
FRAN'CO ARIAS.
ISIDIO MOTA.

En tres del mismo a horas que son las cuatro de la tarde, que hemos regresado de dar posecion deumciante C. Julian Ursua con objecto de concluir estas diligencias, dige que habiendo salido a los linderos que demarca es ta solicitud y no habiendo persona que enterpesiera el acto debin de confirmarle y la confirmo conforme a' todo derech y desde hoy, en adelante para siempre queda en la posecion quieta y pacifica el espresado ursua quien la acepto con las condiciones demi decreto de cuico del presente. En fe de, lo cual la hago forma y valedero, interponeindo pa. ello mi autoridad y judicial decreto cuando le requiere. Queda do des de hoy disfrutado de su casa de ampo y terreno que sele ha dado de posecion el mencionado deume'to

quien firmo la presente con los demas testigos y se le entregaron las presentes cinco fojas utiles de todo lo que doy feé.

JOSÉ ANTONIO RODRIGUEZ.

JOSÉ CANUTO BORONADA.
A.: FRAN'CO ARIAS.
ISIDIO MOTA.

JUAN BAUTISTA, 17 *de Abriel de* 1844.

Como al entregarsele al denunciante las presentes digo no tener pr. pagar todos derechos quedaron estas en este jusgado y hoy aviendo presentado el recivo correspond'te, de quedar à disposicion de la tesoreria general en la mayor domia de propios de este pueblo los
66 derechos nacionales del terreno deumciado. En esta virtud entreguesele las presentes pr. resguardo, previa sacaron del cortos judiciales, archivese el recivo mencionado, asi yo el infrascrito juez lo provei y firmé doy feé.

RODRIGUEZ.

JOSÉ CANUTO BADONA.
AS.: ISIDRO MOTA.

Quedan pagados los derechos judicialès y se entregan las presentes. Lo anoto.
Filed in office Feb'y 2d, 1853.

GEO. FISHER, *Sec'y.*

68 *Translation of petition, grant, and juridical possession.*

First stamp, eight dollars, issued provisionally by the maritime customs of the port of Monterey, department of Californias, for the years 1844 and 1845.

[L. S.]

MICHELTORENA.
PABLO DE LA GUERRA.

The citizen Manuel Micheltorena, brigadier general of the Mexican army, adjutant general of the same, governor, commandant general, and inspector of the department of California:

[L. S.]

Whereas Dn. Julian Ursua, a Mexican by birth, has claimed for his own benefit, and that of his family, the tract known by the name of La Panocha de San Juan and Los Carisalitos, bounded on the north by the baths called those o the Padre Arroyo, on the west by Santa Ana and San Joaquin, on the east by the edge of the valley, and on the south by the mine of Los Aguilas and La Panocha Grande, the necessary steps having previously been taken in conformity with the laws and regulations on the subject, using the faculties conferred on me in the name of the Mexican nation, I have come to grant to him the tract aforesaid, delivering to him the ownership thereof by the present letters, subject to the approval of the most excellent departmental assembly, and under the following conditions:

1st. He shall not be able to sell, alien, mortgage, tax, entail, pledge nor in any other way obligate the same.

2d. He may enclose the same without prejudice to the cross-roads, highways, and rights of way. He shall enjoy the same freely
69 and exclusively, devoting it to the use and cultivation that may best suit him; but within one year he shall construct a house, and it shall be inhabited.

3d. He shall solicit the respective judge to give him the judicial possession in virtue of this patent, who shall mark the boundaries, and in the limits of which he shall plant, besides the landmarks, some fruit trees or forest trees of some utility.

4. The tract granted consists of five sitios for large cattle, in these the limits laid down on the respective map. The judge who gives possession shall cause the same to be measured according to ordinance, the surplus remaining to the benifit of the Mexican nation for its convenient uses.

5th. If he should not comply with these conditions, he shall lose the right to the land, and it may be denounced by another.

I therefore order that, this title being held as firm and valid, a record be taken of the same in the appropriate book, and it be delivered to the party interested for his security and further ends.

Given at Monterey, Feb'y 17th, 1844.

MAN'L MICHELTORENA.

MAN'L JIMENO, *Secretary.*

This patent is entered of record in the appropriate book, page 6.

JIMENO.

SAN JUAN BAUTISTA, *April 5th*, 1844.

Seen the present, and shall comply with the order of his ex-
70 cellency, and proceed to give the possession solicited by the citizen Julian Ursua, by verbal request, who shall be notified that to-morrow, at 10 o'clock, we shall proceed to the execution, there being no surveyor in this place, nor anybody capable of practicing the profession, neither being one in the capital nor in any other point of the State; that what the party interested has solicited shall be given to him, subjecting himself to pay in money the value of the surplus of ground granted to him, or, on the contrary, he shall inform the governor of the State, or the general, of the vacant land he enjoys, provided the requisite person measuring the ground, according to ordinance, is expressed by the present.

Let the neighbors be summoned for their government for the day and hour that they may be required as witnesses for the act of possession. Dn. Canuto Boronda, Don Mariano Macario, and Ramon D. Auzar are appointed, who, with the party interested and my assistants and others interested, shall be present during the act of possession.

The citizen José Anto. Rodriguez, first alcalde of this municipality and judge of first instance, in town, acting with the assistant witnesses, in the absence of a notary public, has so ordered, decreed and signed. I certify.

JOSE ANTO. RODRIGUEZ.

Asst.: FCO ARIAS.
Asst.: ISIDRO MOTA.

Notified Don Julian Ursua of the foregoing decree, who replied that he had heard it, and would furnish all the requisites for the journey. I sign and certify.

RODRIGUEZ.

On the same day citations are issued to the neighbors, which I note.

REC.

On the 9th of the same month and year the Señor Julian Ursua, witnesses Don Canuto Boronda, Don Ramon Auzar, and Dn. Mariano Macario, and the assistants, being together on the premises before mentioned, which place was shown to me by the Indians Martin and Lucos, who were born on that place, to bear the name of Los Carrisalitos, (tract covered with reed,) which was likewise confirmed by the witnesses and the grantee.

I likewise certify that I have seen the place on which a house stands, built of wood and straw, with only one apartment, inhabited by the neophyte, José Servantes and family, which property the grantee asserted to own.

In this act I, the judge, ordered the latter to take stones and to pull out herbs and to manifest his having obtained possession of this tract; and having done so without any person interfering, I gave him the actual possession of the tract, with which this business terminated, in order to proceed to-day, at two o'clock in the afternoon, to the spot or boundary known by the name of Las Baños del Padre Arroyo, situated north of this place, which we sign. I certify.

JOSE ANTO. RODRIGUEZ.

Asst.: JOSE CANUTO BORONDA.
72 Asst.: ISIDOR MOTA.
Ast.: F'CO ARIAS.

On the same day, month, and year, together the undersigned, with the witnesses on the premises of the boundary known by the name of Las Baños del Padre Arroyo, the neighbor was waited for, for the act of possession to which he was summoned, and nobody having appeared up to this hour, it being four o'clock in the afternoon, I gave the possession to Don Julian Ursua, ordering him to take stones, herbs, and other things, as a sign of possession, which he did, his possession extending to this boundary, which I, the judge, gave him. In virtue whereof I sign with the parties interested and witnesses. I certify.

JOSE ANTO. RODRIGUEZ.

Ass.: JOSE CANUTO BORONDA.
Ass.: F'CO ARIAS.
Ass.: ISIDRO MOTA.

On the 10th of April of the same year, the Señores Dn. Saturnino Cariaga and witnesses, as likewise the grantee being present at the landmark showing the boundary of Santa Ana, the former presented his title, which I certify to have seen, and which was in order.

I ordered the aforesaid grantee to take possession in the same man-

ner as before, all of which I certify, as likewise that this is the western boundary of the plain of Carisalitos, which was signed accordingly.

JOSÉ ANT. RODRIGUEZ.
JOSE CANUTO BORONDA.

Ass: F'co Arias.
Ass: Isidro Mota.

On the same day the Señores D. Saturnino Cariaga and the
73 witnesses being together on the edge of the valley east of Carrisalitos, they presented the titles of the boundary, and being in order, I made the sign of possession to the grantee, which he took in conformity with the former. All of which the parties interested signed. I certify.

JOSE ANTO. RODRIGUEZ.
JOSE CANUTO BORONDA.

Ass't: F'co Arias.
Ass't: Isidro Mota.

On the 12th instant, being together on the premises of Real de los Aguilas and Panocha Grande, which are acknowledged as boundaries, and are situated south of Carisalitos, being three o'clock in the afternoon, and no neighbor having presented himself, I ordered the grantee to take possession in conformity with the former, which having been effected, I gave the aforesaid possession of this boundary, wherewith this proceeding terminates, which I signed with the associates. I certify.

JOSE ANTO. RODRIGUEZ.
JOSE CAUNTO BORONDO.

Ass't F'co Arias.
Ass: Isidro Mota.

On the 13th inst., at 4 o'clock in the afternoon, having given possession to the grantee, the citizen Julian Ursua, for the purpose of this proceeding, I said that having proceeded to the boundaries laid down in this petition, and nobody having interfered with this act, I should confirm to him, and do confirm the same according to law, and from hence forever the said Ursua shall remain in quiet and
74 peaceable possession of, which he accepts under the conditions of my decree of 5th instant.

In virtue whereof, I ratify and affirm the same, interposing for that purpose my authority and judicial power whenever it may be required, he, the grantee, enjoying henceforth his country house and lands of which he has been possessed, the same signing the present with the other witnesses, which was delivered to him on five pages, which I certify.

JOSE ANTO. RODRIGUEZ.
JOSE CANUTO BORONDO.

Ass't: F'co. Arias.
Ass.: Isidro Mota.

SAN BAUTISTA, 17*th April*, 1844.

The grantee stating, at the time when the present was delivered to him, that he had not enough to pay the whole of the costs, it remained in this court; and as the corresponding receipt has been presented to day, the national costs for the denounced land being held at the disposal of the general treasury of the administration of property in this town, let the present be delivered to him for his security.

Precise taxation of judicial costs. Let the aforesaid receipt be filed. Thus I, the undersigned judge, have provided and signed. I certify.

RODRIGUEZ.

Ass't: JOSÉ CANUTO BORONDO.
Ass't: YSIDRO MOTA.

75 The judicial costs have been paid and the present has been delivered, which I note.

Filed in office February 2d, 1853.

GEO. FISHER, *Secretary.*

76 *Deed—Julian Ursua to Pedro Romo.*

This indenture, made the first day of July, in the year one thousand eight hundred and fifty-two, between Julian Ursua and Concepcion Mauriquez, his wife, of San Juan, in the county of Monterey, of the first part, and Pedro Romo, of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of one thousand one hundred dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, have remised, released, and quitclaimed, and by these presents do remise, release, and quitclaim, unto the said party of the second part, and to his heirs and assigns forever, three leagues of land to be taken out of the tract of land known and designated as La Ponacha de San Juan y los Carisalitos, situated in the county of Mariposa, in the State of California, and bounded on the north by Los Baños del Padre Arroyo, on the west by S'ta Ana and San Juachim, on the east by the edge of the valley, and on the south by El Real de los Aguilas and La Panocha Grande, the said tract of land containing five leagues, more or less, and being the same granted to Julian Ursua by Governor Micheltorena, on the 17th day of February, A. D. 1844, the land hereby conveyed being an undivided three leagues to be taken out of the said described tract.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders,
77 rents, issues, and profits thereof, and also all the estate, right, title, and interest on property, possession, claim, and demand whatsoever, as well in law as in equity, of the said parties of the first

part, of, in, or to the above-described premises, and every part and parcel thereof, with the appurtenances.

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year last above written.

JULIAN URSUA [SEAL.]

her
CONCEPCION + MAURIQUEZ. [SEAL.]
mark

Signed and delivered in the presence of, the words all and party, on the 1st page, erased before execution.

STATE OF CALIFORNIA,
County of Monterey:

On this 26th day of February, 1854, before me, James H. Gleason, county recorder in and for said county of Monterey, personally appeared Julian Ursua and Concepcion Mauriquez, his wife, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned. And the said Concepcion Mauriquez, the wife of the
78 said Julian Ursua, being examined by me apart from and without the hearing of her husband, and being by me made acquainted with the contents of said instrument, acknowledged that she executed the same freely and voluntarily, without fear or compulsion or undue influence of her husband, and that she did not wish to retract the execution of the same.

In testimony whereof, I have hereunto set my hand and affixed my official seal the day and year above written, the 26th February, A. D. 1854, in the mission of San Juan Bautista.
[SEAL.]

J. H. GLEASON,
County Recorder, Monterey County.

Filed Friday, March 10th, 1854, at 7 o'clock p. m., and recorded at request of A. P. Chittenden, book A, folio 504.

E. C. BELL, *R. M. C.*,
By C. GRAY, *Dep. R. M. Co.*

Filed in office March 22d, 1854.

GEO. FISHER, *Secretary.*

79 *Opinion of the board.*

JULIAN URSUA AND PEDRO ROMO *vs.* THE UNITED STATES. } Rancho de San Juan y Carisalitos. Five square leagues.

The papers in this case show that on the 17th day of February, A. D. 1844, Governor Micheltorena granted to the said Julian Ursua the

tract of land known by the name of De la Panocha de San Juan y los Carisalitos; that on the 5th day of April, A. D. 1844, judicial possession of the premises in question was duly given to the said grantee.

It is further shown that the said Julian Ursua, his wife, by his deed of conveyance, bearing date the first day of July, A. D 1852, conveyed to the said Pedro Romo three square leagues of the said rancho, to be taken out of the same.

It is further proven by the deposition of Ramon Auzar that the grantee in the same year in which he received his grant, built a house in the land and went there to live with his family; that afterwards he removed his family on account of the Indians, but that he continued to occupy the place himself and keep his stock there until the discovery of gold in 1848, at which time he went to the mines with cattle, leaving a man in charge of the rancho and his remaining stock.

The testimony of Claudeo Vasquez, another witness on the part of the claimants, corroborates the foregoing statements, and, in
80 addition, proves that a portion of the land was cultivated by the grantee in the year 1845. The evidence, in my judgment, shows a substantial compliance with the conditions of the grant. And the petitioners are entitled to a decree of confirmation, according to their respective portions, if the land can be located.

The record of judicial measurement filed in this case is different from any which has come under my supervision. The officer who gave the possession (for no measurement was made by him) proceeded in a different manner from what was the usual custom in such cases, and instead of commencing at a specified point and measuring the distance of each boundary line with a cord, he proceeded to the objects designated in the grant as forming the boundary lines, and with his assisting witnesses, gave formal possession of each boundary mark to the grantee.

Although the judicial possession thus given affords no information of the quantity of land contained within the given boundaries, yet it does serve to identify the objects mentioned in the grant as boundary marks.

This defect in the act of judicial possession is, however, cured to a great extent by the testimony of a witness who swears that he was present when the judicial possession referred to was given, and that the boundaries, which he also gives, and which correspond with those mentioned in the grant, are in extent about five leagues from north to south, and one league from east to west.

This being the exact quantity granted, I think the land is
81 sufficiently designated to effect its segregation from the public domain, and that the same may be located and identified without difficulty.

A decree of confirmation will accordingly be entered in conformity with the prayer of the petitioner.

Filed in office May 2nd, 1854.

GEO. FISHER, *Sec'y.*

82 *Decree of confirmation.*

JULIAN URSUA AND PEDRO ROMO
vs.
THE UNITED STATES. } Rancho de San Juan y Carisalitas.

In this cause, on hearing the proofs and allegations, it is adjudged by the commissioners that the claim of the said petitioners is valid, and it is therefore decreed that the same be confirmed.

The lands of which confirmation are hereby made are known by the name of La Panocha de San Juan y los Carisalitos, and bounded and described as follows, to wit:

On the north by the baths called those of the Padre Arroyo; on the west by S'ta Ana and San Joaquin; on the east by the edge of the valley; and on the south by the mine of Los Aguilas and La Rancho Grande, containing in all five square leagues.

And it is further decreed that the confirmation hereby made to the respective parties shall be in the following proportions: To the said Pedro Romo, three undivided square leagues, to be taken out of the said described tract of land, and to the said Julian Ursua, the remaining undivided two square leagues of said described tract of land.

Reference for further description to be had to the translation of the original grant, the translation of the record of the judicial possession, and to the map which forms a part of the traced copy of the espediente, all of which are on file as evidence in the cause, and also to the original deed of conveyance from the original grantee to Pedro
83 Romo, which is filed as evidence in the case.

ALPHEUS FELCH,
THOMPSOM CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

Filed in office May 2nd, 1854.

GEO. FISHER, *Secretary.*

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the southern district of California, and the other be transmitted to the Attorney General of the United States.

84 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing forty pages, numbered from 1 to 40, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documen-

tary evidence, and of the testimony of the witnesses on which the same is founded, on file in this office in case No. 545 on the docket of the said board, wherein Julian Ursua is the claimant against the United States for the place known by the name of San Juan.

In testimony whereof, I have hereunto set my hand and affix my [SEAL.] private seal, (not having a seal of office,) at San Francisco, California, this thirteenth day of December, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER,
Secretary.

Filed December 19th, 1854.

S. E. CARR, *Cl'k.*

85 *Appeal.*

JULIAN URSUA
vs.
THE UNITED STATES. } 545.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES.
Washington, 10th February, 1855.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 25th day of November, 1854, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING,
Attorney General.

Filed April 10th, 1855.

C. E. CARR, *Cl'k.*

87 In the district court of the United States for the southern district of California.

STATE OF CALIFORNIA,
City and County of Los Angeles:

JULIAN URSUA *et al.*, app'ees,
vs
THE UNITED STATES, app'l'ts. } Docket No. 181. Transcript No. 545.

To the Hon. Isaac S. K. Ogier, judge:

The petition of Pacificus Ord, a resident of said city, county, and State, attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court, in the name and behalf of the United States, represents as follows: That heretofore, to wit, on or about the 2nd day of February, A. D. 1853, Julian Ursua and Pedro Romero presented a petition to the commissioners to ascertain and settle the private

land claims in the State of California, when setting as a board, claiming a tract of land called La Panocha de San Juan y los Carrisalitos, situate in the county of San Joaquin, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to; that thereafter, to wit, on or about the 2nd day of May, A. D. 1854, the said commissioners confirmed, by final decision, the said claim of said petitioner; that thereafter, to wit, on or about the 19th day of December, A. D. 1854, a duly certified transcript of the proceedings and decision of the said commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 545, reference to which it is prayed may be made a part of this petition; that on or about the 25th day of November, A. D. 1854, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said commissioners in said cause, and the papers and evidence on which said decision was founded; that thereafter, to wit, on the 10th day of April, A. D. 1855, the said Attorney General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the clerk of said district court of the United States, that the appeal in said cause from the said decision of the said commissioners, in the district court of the United States for the southern district of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the southern district of California, and within the jurisdiction of this honorable court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said commissioners is erroneous, and ought to be reversed, revised, and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said
88 commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular each and every allegation in the said petition of said claimant, presented as aforesaid to said commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said commissioners, or in support of the said claim, no decision confirming the same should have been made by said commissioners; but the said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to, the United States, by virtue of conquest, and the treaty of peace, friendship, limits, and settlement, between the United States and the republic of Mexico, made at the city of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United

States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney, may be served with a copy of this petition; and that this honorable court will review the said decision of said commissioners, and reverse the same; and decide on the validity of the same, and decree the alleged title to be invalid, with costs and general relief.

P. ORD,
Attorney of the United States for the Southern District of California.

Filed Nov. 8, 1855.

C. E. CARR, *Cl'k.*

89 *Summons.*

UNITED STATES OF AMERICA,
Southern District of California, ss:

The President of the United States to Sulian Ursuo and Pedro Romo, greeting:

Take notice, that a petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the district court of the United States in and for the southern district of California, on the 8th day of November, in the year of our Lord one thousand eight hundred and fifty-five, at the city and county of Los Angeles, in said district, by P. Ord, U. S. att'y, praying the court to review the decision of the U. S. land commission, confirming your claim to the rancho called La Panocha de San Juan y los Carisalitos, on or about the 2d day of May, A. D. 1854, and which was appealed to this court, by the U. S. Att'y Gen'l, on or about the 10th day of April, A. D. 1855; and that you and each of you are required to appear at said court, in said city, within ten days after the service hereof if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Bernardino, and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or the pl't'ff will apply to the court for the relief demanded therein.

[SEAL.] In witness whereof, I have hereunto set my hand and affixed the seal of said court, this ninth day of November, in
90 the year of our Lord one thousand eight hundred and fifty-five, at Los Angeles, aforesaid.

C. E. CARR, *Cl'k.*

Received Nov. 9th, 1855.

EDWARD HUNTER,
U. S. Marshal.

The within-named is not to be found in the southern district of California, this eighth December, A. D. 1855.

E. HUNTER, *U. S. Marshal,*
Pr. THOS. D. MAYES, *Dept.*

91 *Answer.*

In the United States district court in and for the southern district of California.

JULIAN URSUA *et al.*, appellees, *ads.* THE UNITED STATES, appellants. } Case No. 181.—Transcript No. 545.

And now comes the appellees, Julian Ursua and Pedro Romo, by J. Lancaster Brent, their attorney, and for answer to the petition for review, filed herein by the appellants, say:

That their title to the lands claimed in this case is good and valid.

Wherefore, they pray the judgment of this honl. court that the decision of confirmation of the United States board of land commissioners, heretofore rendered, may be affirmed, and their title to said lands may be decreed to be valid, and for their costs herein expended, and for such other or further and general relief as equity and good conscience shall grant and the nature of their case require.

J. LANCASTER BRENT,
Attorney for Appellees.

I have served this answer upon P. Ord, U. S. att'y, by delivering to him, personally, a true copy of the same, at Los Angeles, January 4th, 1856.

EDWARD HUNTER,
U. S. Marshal,
Pr. M. L. GOODMAN,
Deputy.

Filed Dec. 14, 1855.

C. E. CARR, *Cl'k.*

93 *Decree.*

In the district court of the United States, southern district of California, December term, A. D. 1856.

JULIAN URSUA and PEDRO ROMO, appellees, *ads.* THE UNITED STATES, appellants. } Case No. 181. Transcript 545.

This cause coming on to be heard on appeal from the decision of the United States board of land commissioners to acertain and settle the private land claims in the State of California, under an act of Congress approved March 3d, 1851, on a transcript of the proceedings and decision of said board, and of the papers and evidence on which said decision was founded, and it appearing to the court that said transcript and the notice of appeal have been duly filed, according to law, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed that the decision of said board of commissioners be, and the same hereby is, affirmed in manner and form as hereinafter specified.

And it is further adjudged and decreed that the claim of the appellees to the lands called "Panocha de San Juan y los Carrisalitos"

is good and valid, and the same are hereby comfirmed to them to the extent of five square leagues, and no more, within the boundaries mentioned in the grant, to wit: on the north "Los Banos del padre Arroyo;" on the west by "Santa Ana" and "San Joaquim;" on the east by "La Orilla del Valle;" and on the south by
94 "El Real de los Aquilas" and "La Panocha Grande;" reference being had to the map annexed to the espediente and referred to in the grant, and to the act of judicial possession filed in this case.

Provided that if there be a less quantity than five square leagues of land within said boundaries, then confirmation is hereby made of such less quantity. Thus done in open court, this 17th December, 1856.

ISAAC S. K. OGIER,
U. S. Dist. Judge for the S. Dist. of Cal'a.

Filed Dec. 17th, 1856.

C. SIMS, *Cl'k.*

95 *Appeal.*

U. S. dist court, south'n dist. Cal'a, December term, A. D. 1856.

FEB'Y 24, A. D. 1857.

JULIAN URSUA *et al.* *vs.* THE UNITED STATES. } No 181.

On motion of P. Ord, U. S. dist. att'y, it is ordered that an appeal be allowed the United States herein.

New appeal.

United States dist. court, south'n dist. Cal'a, December term, A. D. 1861.

DECEMBER 9TH, A. D. 1861.

JULIAN URSUA *et al.*, app'ee, *vs.* THE UNITED STATES, app'lt. } No. 181, D. C. No. 545, S. C. "San Juan."

And now comes J. R. Gitchel, esq., appointed at the request of the court to represent the U. S., (there being no U. S. dist. att'y present,) and moves the court that a new appeal in this case be allowed the United States, to the Supreme Court of the United States, from the order and decree of this court heretofore rendered.

Which motion being heard, and by the court understood, is granted.

96 United States district court, southern district of California.

CLERK'S OFFICE, *Monterey, California.*

I, John O. Wheeler, clerk of the United States district court for the southern district of California, hereby certify the foregoing ninety-

five pages, numbered from 1 to 95, both inclusive, to contain a full, true, and correct transcript of the record of the proceedings and of the decision of said court, of the documentary evidence, and of the testimony of the witnesses on which the same is founded, on file in my office, in case No. 181 on the docket of the said court, wherein Julian Ursua *et al.* are the claimants against the United States for the place known by the name of San Juan.

In witness whereof, I have hereunto set my hand and affixed the [L. S.] seal of said court, at Monterey, California, this the 15th day of April, A. D. 1862.

JOHN O. WHEELER,
Cl'k U. S. Dist. Court, South'n Dist. Cal'a.

Filed September 20, 1862.